



# California Regional Water Quality Control Board

## San Francisco Bay Region

Alan C. Lloyd, Ph.D.  
Agency Secretary

1515 Clay Street, Suite 1400, Oakland, California 94612  
(510) 622-2300 • Fax (510) 622-2460  
<http://www.waterboards.ca.gov/sanfranciscobay>



Arnold Schwarzenegger  
Governor

CC: 4-19-05  
Item 4.4

Date: April 18, 2005  
File No.: 2182.05 (JBO)

Honorable Mayor Ron Gonzales  
Honorable City Council Members  
San Jose City Hall  
801 North First Street, Room 600  
San Jose, CA 95110

Dear Mayor Gonzales and City Council Members:

SUBJECT: 04-19-05 Council Agenda Item: Submittal of Proposal for Hydromodification Management Plan

We received a report dated April 8, 2005, prepared by San Jose staff for the City Council on the subject topic. We feel strongly that clarifications are needed in order to provide the City Council with a complete picture of hydromodification management requirements in the Santa Clara Basin and the San Francisco Bay Area.

First, the report does not state that the proposed "applicability for the hydromodification management plan" (HMP), i.e., the color map and text on pages 6-8, **is an interim proposal** and presents an important compromise reached by Water Board and City of San Jose staffs. The Santa Clara Valley Urban Runoff Pollution Prevention Program's National Pollutant Source Discharge Elimination System Permit No. CAS029718 (Permit) requires wider applicability of the HMP than currently proposed. However, City staff asked that the Permit's HMP requirements be delayed until such requirements apply to other Bay Area stormwater programs. Our staffs met numerous times to reach a compromise position on this issue. The compromise my staff agreed to propose to the Water Board is this: the areas of applicability, as generally outlined in the April 8 staff report, be approved on an interim basis, **until the other Bay Area HMPs are approved by the Water Board**. At that time, Santa Clara Valley's HMP applicability will shift to be consistent with the other Bay Area stormwater programs. We anticipate that all the programs will have some form of hydromodification control requirements for projects that create or replace one acre or more of impervious surface, unless such projects are located in certain exempt locations. Further, we anticipate these requirements will become effective only five to six months after San Jose's interim HMP is approved by the Water Board. I reiterate that this is an important compromise, and our support of San Jose's proposal is contingent on the City's full acknowledgement that its staff report represents an interim proposal, as indeed it was presented to us as such.

Randolph Shipes, City of San Jose  
Bill Scott, City of San Jose  
Joe Horwedel, City of San Jose  
Jenny Nusbaum, City of San Jose  
Mollie Dent, City of San Jose  
Melody Tovar, City of San Jose  
Adam Olivieri, EOA, Inc.  
Jill Bicknell, EOA, Inc.